



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

October 14, 2022

By ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al.* 21
Civ. 5706 (LJL)

Dear Judge Liman:

On behalf of the Parties, I respectfully write to request the Court to waive the requirements of Local Civil Rule 56.1 that the Parties file Statements of Material Facts in relation to their pending Motions for Summary Judgment. As this case will be decided on the basis of an administrative record, there are no disputed facts for the Court to resolve. *See Just Bagels Mfg., Inc. v. Mayorkas*, 900 F. Supp. 2d 363, 372 n.7 (S.D.N.Y. 2012) (opining that cases based on the review of an administrative record “present[] only a question of law” and directing parties not to submit Local Rule 56.1 statements); *Glara Fashion, Inc. v. Holder*, 2012 WL 352309, at *1 n.1 (S.D.N.Y. Feb. 3, 2012) (no Rule 56.1 statement required in administrative agency review case); *Karpova v. Snow*, 402 F. Supp. 2d 459, 465 (S.D.N.Y. 2005) (summary judgment appropriate without submission of statements of undisputed material facts in APA cases because the administrative record provides the Court with “all of the information necessary to determine whether material disputes of fact exist”).

The Parties propose that they cite to relevant portions of the administrative record in their summary judgment motions, responses, and replies and the Court forego the requirements of Local Rule 56.1.

We thank the Court for its consideration of this submission.

Respectfully Submitted this 14th day of October, 2022.

s/ Brian Segee
Brian Segee (pro hac vice)
(Cal. Bar. No. 200795)
Center for Biological Diversity
660 S. Figueroa Street, Suite 1000
Los Angeles, CA 90017
tel: (805) 750-8852

email: bsegee@biologicaldiversity.org

cc: **By ECF**
Counsel of Record